

DRAWING AMENDMENTS

Please cancel drawing sheets 1-7 containing Figs. 1-13 as filed, and insert therefor the enclosed replacement drawing sheets 1-7 containing Figs. 1-13.

REMARKS

The Office Action mailed January 31, 2006 has been received and reviewed. By the present Response, Claims 25 and 28 are cancelled, Claims 1-3, 11, 17, 23, 24, 26, 27, 29-31, and 33 are amended, and new Claims 38-40 are added. Currently pending in the application, then, are Claims 1-24, 26, 27, and 29-40, of which Claims 1, 19, 26, 30, and 33 are independent. No new matter has been introduced by this Response.

Drawings

The drawings are objected to for allegedly failing to comply with 37 CFR 1.84(l) because allegedly each figures includes one or more lines that are not sufficiently dense and dark, and uniformly thick and well-defined. Enclosed are replacement drawings that comply with 37 CFR 1.84(l). Accordingly this objection is overcome.

Specification

The disclosure is objected to for two minor informalities. These informalities have been corrected. Accordingly these objections are overcome.

Claim Objections

Claims 11 and 30 are objected to for minor informalities. These informalities have been corrected. Accordingly these objections are overcome.

Claim Rejections Under 35 USC § 112

Claims 30-32 are rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 30 is amended to introduce the hunting

blind in the preamble to clarify that the subcombination filtration unit is being claimed. Thus, Claim 30 includes the filtration unit alone, not the filtration unit in combination with the hunting blind. Accordingly, this basis for rejection is overcome and Claim 30 is in condition for allowance. Claims 31 and 32 depend from Claim 30, so these claims are now in condition for allowance too.

Claim Rejections Under 35 USC § 101

Claims 33-37 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claim 33 is amended to clarify that the hunter, a human being, is not being claimed. Accordingly, this basis for rejection is overcome and Claim 33 is in condition for allowance. Claims 34-37 depend from Claim 30, so these claims are now in condition for allowance too.

Claim Rejections Under 35 USC § 102

Claims 25 and 26 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Bean (USPN 5,613,512). Claim 25 is canceled. With respect to Claim 26, the Applicant respectfully traverses.

Claim 26 is amended to better define that the pivotal frame members of the blind support are horizontal, for supporting (in suspension) the blind, and that they pivot from an unfolded position for use, with the frame members forming a horizontal "U," to a folded, collapsed, compact position for storage and transportation. This is disclosed in the specification as filed at para. 32. This feature allows the frame to be more easily carried into the woods, more easily hauled up and down the tree, and more easily transported and stored.

On the other hand, Bean discloses a frame with vertical rods and pivotal sockets that "enable the rods to pivot outwardly to remove slack from or stretch the blind panel" (see col. 2, lines 50-53). Thus, the pivotal sockets do not enable the frame to be collapsed into a compact position for when not in use. Instead, this frame has telescoping parts for disassembly when not in use. Accordingly, amended Claim 26 is believed to be in condition for allowance.

Claims 25 and 27-29 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Shelton (USPN 6,434,877). Claims 25 and 28 are canceled.

Claims 27 and 29 are dependent from Claim 26, which is believed to be in condition for allowance for the reasons stated above. Therefore, Claims 27 and 29 are believed to be in condition for allowance too. In addition, the Applicant respectfully traverses the rejection of Claims 27 and 29.

Claims 27 and 29 are amended to clarify that the connector members of the tree-mounting bracket and of the blind-supporting frame *removably* engage each other so that the bracket and the frame can be disassembled. On the other hand, the apparatus of Shelton has telescoping parts that are not intended to be disassembled by the user. Furthermore, the claimed blind support is a two-part assembly including a U-shaped blind-supporting frame and a lateral tree-mounting bracket with a strap. Conversely, the Shelton apparatus has two straps, no lateral tree-mounting bracket, two support members that each have tree-mounting elements at one end/portion and blind-supporting elements at another end/portion, and no lateral element connecting these two support members. For these additional reasons, amended Claims 27 and 29 are believed to be in condition for allowance.

Claims 30-32 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Dauphinee (USPN 2,511,497). The Applicant respectfully traverses.

Claim 30 is amended to include the portable power source (e.g., batteries) for portability and use out in the woods away from the line voltage found in homes and other buildings. And Claim 30 is amended to define the filtration unit being adapted for directing the de-scented air out of the filtration unit, through an outlet opening in the hunting blind, and out to a hunting environment. Dauphinee is admittedly a portable filtration device, but it is designed for hospital use, it requires line voltage and could not be used in a hunting blind at a remote location in the woods, and it is not adapted for use in a hunting blind to exhaust and direct the de-scented air through an outlet in a hunting blind. Accordingly, amended Claim 30 is believed to be in condition for allowance.

Claims 31 and 32 are dependent from Claim 30, so these claims are believed also to be in condition for allowance. Furthermore, Claim 31 is amended to define that the remote control is electrically connected to the portable power source (e.g., batteries) for operating the filtration unit from within the blind when out in the woods. This is not disclosed by Dauphinee, which device has a power cord and plug for a conventional electrical receptacle in the wall of a building structure, and which device is thus inoperable in a remote location such as out in the woods.

In addition, new Claims 38 and 39 define the filtration unit 26 having a portion 86 that extends through a filtration unit opening in the hunting blind and another portion 84 that overhangs and is supported by the hunting blind, as shown in Fig. 9. These features allow the filtration unit 26 to be easily installed in the blind 22, with the filtration unit suspended through the opening 70, as shown in Figs. 1, 2, and 5. These features are not disclosed by Dauphinee.

Miscellaneous Amendments

Claims 1, 23, 30, and 33 are amended to delete minor and unnecessarily limiting language not needed for patentability. Claims 2, 3, 17, 23, 24, 30, and 33 are amended to provide uniformity in usage of terminology for the openings in the blind. Claims 3, 24, and 33 are amended to change “an air inlet opening” to “at least one air inlet opening” because instead of a single inlet hole in the blind, the air can be taken in through a number of seams and gaps in the blind, or through perforations or a screen panel in the blind, etc. And new Claim 40 adds back in language deleted from Claim 33 relating to the relative positions of the inlet and outlet openings. In a typical commercial embodiment, the air inlet is higher than the air outlet because the hunter’s scent sinks in the blind as the ambient air temperature drops in the evening when much hunting is done.

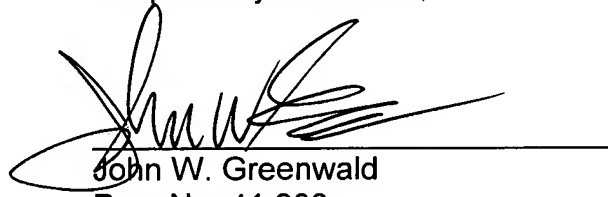
Allowable Subject Matter

Claims 1-24 are allowed. Therefore, no substantive amendments are made to these claims.

CONCLUSION

In view of the amendments submitted herein and the above comments, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, the Applicant respectfully requests early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone the Applicant's undersigned attorney at (770) 984-2300.

Respectfully submitted,



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